

REGISTRY OF ELECTION FINANCE

The Registry of Election Finance Board (“the Board”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met Wednesday, January 8, 2020, at the Lookout Mountain Conference Room, Suite 1200, Volunteer Building, 832 Georgia Avenue, in Chattanooga, Tennessee.

Presiding over the meeting was Chairperson William (Paz) Haynes, III. Attending the meeting were board members David Golden, Tom Lawless, Tom Morton and Paige Burcham-Dennis. Henry Fincher participated via telephone. Executive Director Bill Young, Assistant Director Lance Frizzell and Chief of Staff Janet Williams also attended the meeting.

Approval of Meeting Minutes

On motion by Morton, seconded by Golden, the Board voted unanimously to approve the minutes from the November 13, 2019 meeting.

Initial Business

The Board and Director Young thanked the law firm of Miller and Martin for graciously allowing the Board to use the firm’s Lookout Mountain Conference Room to conduct the Board’s meeting. The Board and Director Young also thanked several current and former State representatives for attending the meeting, including State Representatives Mike Carter, Robin Smith, Yusuf Hakeem, State Senator Bo Watson and former State Representative Chris Clem.

Director Young provided the Board an update the revamping of the Board’s website, advising the Board it would receive a mockup of the revised site within the next three to four weeks. Director Young stated the Tennessee Department of General Services had advised that the new owners of Parkway Towers, where the Bureau is currently located, had determined to significantly upgrade the building requiring all tenants, including the Bureau, to move out of Parkway Towers by fall 2020. The Bureau is working with General Services to obtain new leased space. Director Young then provided an update on several educational outreaches by the Bureau, and that he planned to continue and enhance such outreach in the future. Director Young next advised the Board that the State Senate had offered the use of its one of its committee rooms for The Board’s meetings, which would allow the Board to stream via the Internet its public meetings and record them for placement on the Board’s website. The Board deferred consideration of pursuing this opportunity until its next regularly scheduled meeting. Director Young presented an update on the Casada/Ketron audits and on new staff appointments. He advised he had not yet determined whether to pursue the hire of an in-house attorney.

Request for Reconsideration

19-64, In the Matter of Tammie Fuller, for failure to timely file a 2018 Pre-General campaign financial disclosure report with the Coffee County Election Commission. Class two (2), no timely report filed, maximum ten thousand (\$10,000) civil penalty per violation. The Board voted at its June 2019 to issue a show cause notice. This report was filed on July 2, 2019, 357 days late with an accumulation of 110 penalty days.

The Board voted at its August 2019 meeting to assess a \$500 civil penalty for failure to timely file the 2018 Pre-General campaign financial disclosure report. On August 26, 2019, the Board received a request for reconsideration. This campaign account has now been closed with the Coffee County Election Commission. Morton advised the Board of his discussions with the Coffee County Election Commission regarding this matter.

The Board was advised Ms. Fuller had commenced a federal Chapter 13 bankruptcy petition. On motion by Lawless, seconded by Fincher, the Board proposed to move this matter to the Board's next agenda due to the automatic stay imposed by the Chapter 13 bankruptcy filing. On a motion to amend this motion by Haynes, seconded by Lawless, the Board amended the motion to also include the deferral of three civil penalty orders set in ***Tammie Fuller, Case No. 19-77*** (see below) to the Board's next agenda. The Board approved the amended motion.

Statement Submitted

U.S. Bancorp Political Participation Program, Case No. 19-36, Haynes recused himself from hearing this matter. The Board sent notice to U.S. Bancorp to file its Pre-General report by October 30, 2018. Certified notice was sent on November 6, 2018 and signed for by the company on November 9, 2018. The report was not received, and penalties began to accrue on November 14, 2018. This matter became a Class 2 penalty case effective December 14, 2018. The Board voted to issue a show cause order at its January 2019 meeting. The report was filed on January 22, 2019, 84 days late with 69 penalty days for a maximum possible penalty of \$10,000. Bancorp filed a response to the Board's show cause order on January 28, 2019.

After discussion, and upon consideration that the certified notice was signed for Bancorp and Bancorp's statement, upon motion by Morton, seconded by Lawless, the Board voted (with Haynes recusing) to assess a \$500 civil penalty.

Consideration of Civil Penalty Orders

Ashley Forjet, Case No. 19-76, for failure to timely file a 2019 Annual Mid-Year Supplemental campaign financial disclosure report. Class two (2), 123 days late, 54 penalty days, with a maximum \$10,000 civil penalty. Certified notice to file this report by July 15, 2019, was sent on July 18, 2019. The notice was returned "attempted not

known.” Certified notice was again sent on August 22, 2019 and returned “unclaimed.” On September 17, 2019 a letter was sent that was unclaimed. Penalties began to accrue on September 22, 2019. The Board voted to issue a show cause notice at its November meeting. The report was subsequently filed on November 15, 2019., which closed this account

On motion of Morton, seconded by Lawless, the Board unanimously voted to impose a \$250 civil penalty to cover the Board’s costs in handling this matter.

Tammie Fuller, Case No. 19-77, for failure to timely file a 2018 Pre-General campaign financial disclosure report, a 2018 3rd Quarter campaign financial disclosure report and a 2018 4th Quarter campaign financial disclosure report with the Coffee County Election Commission. Ms. Fuller has had previous matters before the Board (see above). As previously mentioned, the Board voted to defer these matters to the Board’s next agenda given Ms. Fuller’s Chapter 13 bankruptcy proceeding.

Bill Ketron, Case No. 19-78, for failure to file a 2018 Year-End Supplemental campaign financial disclosure report. Class two (2), no report filed, maximum ten thousand (\$10,000) civil penalty. Mr. Ketron has had previous matters before the Board.

Mr. Ketron was sent notice to file this report by January 31, 2019, on January 17, 2019. Mr. Ketron was then sent certified notice to file this report on February 5, 2019, and that notice was signed for on February 7, 2019.

The report was not filed, and penalties began to accrue on February 12, 2019. This became a Class 2 penalty case effective March 14, 2019. The Board voted at its April 10, 2019 meeting to defer any action in this matter until its next regularly scheduled meeting.

The Board voted at its June 12, 2019 meeting to defer any further action in this matter until the third meeting after the June 12, 2019 Board meeting.

Director of Audit Moeck informed the Board at its November 13, 2019 meeting that the report has been filed. At that meeting, on motion by Morton, seconded by Lawless, the Board voted unanimously to issue a show cause notice.

No response has been received from Ketron regarding the show cause notice. On motion by Morton, seconded by Lawless, the Board voted to assess a \$10,000 civil penalty.

Senate Democratic Caucus, Case No. 19-85, for failure to timely file its Annual Year-End Supplemental 2018 campaign financial disclosure report by January 31, 2019. The Board sent certified notice of this required filing on February 5, 2019, that notice was returned “unknown.” Certified notice was resent on August 21, 2019, and that notice was returned “unclaimed.” On September 17, 2019, the Board sent another letter that was unclaimed. Penalties began to accrue on September 22, 2019. The report was filed on October 17, 2019, 94 days late, with 25 penalty days for a maximum possible penalty of \$625. The Board voted to issue a show cause order at its November 2019 meeting.

State Senator Akbari responded by letter dated December 30, 2019, to the show cause order. She explained the reasons for the late filing and assured this would not happen again. Director Young also advised that Senator Yarbrow had contacted him regarding this matter to also explain the delay and offer to have a representative present if necessary.

On motion by Lawless, seconded by Dennis, the Board voted to take no further action on this matter.

Election of Officers

On motion of Morton, seconded by Golden, Tom Lawless was nominated for Chair of the Board. On motion of Morton, seconded by Golden, the Board unanimously voted unanimously to close nominations. On motion by Morton, seconded by Golden, the Board voted to elect Lawless as Chair.

On motion by Lawless, seconded by Haynes, David Golden was nominated as Secretary. On motion by Lawless, seconded by Haynes, the Board voted to close nominations. On motion by Lawless, seconded by Haynes, the Board voted unanimously to elect Golden Secretary.

On motion by Lawless, seconded by Fincher, the Board voted unanimously to adjourn the Board's regular meeting until the next regularly scheduled meeting.

Executive Session

The Board met in executive session to discuss several pending legal matters with Director Young, who also serves at the Board's request as the Board's legal counsel.